DOCUMENT RESUME

ED 446 381 EA 030 675

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TITLE New Mexico Trends in Education Finance--Resource Allocation and Outcomes Assessment: Conflict or Compromise?
PUB DATE 1999-04-00
NOTE 12p.; Paper presented at the Annual Meeting of the American Educational Research Association (Montreal, Canada, April 19-23, 1999).
PUB TYPE Information Analyses (070) -- Speeches/Meeting Papers (150)
EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS *Charter Schools; *Collective Bargaining; *Educational Change; *Educational Finance; *Educational Vouchers; Elementary Secondary Education; Outcomes of Education; Public Schools; *Resource Allocation
IDENTIFIERS *New Mexico

ABSTRACT

This paper examines the political interaction surrounding the resolution of educational issues in the New Mexico legislative budget process for the fiscal year 2000. It contains information about school vouchers, charter schools, collective bargaining and related personnel issues, and criticism of Governor Johnson's stance on public education in New Mexico. (Contains 20 references.) (DFR)

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ED 446 381

New Mexico Trends in Education Finance
Resource Allocation and Outcomes Assessment: Conflict or Compromise?

American Educational Research Association Annual Meeting
April 19-23, 1999
Montreal, Canada

Postscript
October, 1999

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Session 24.01 - Education Finance Issues in Western States

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Introduction

At the time this paper was originally envisioned and entitled the intention was to examine what was surely to emerge as a tumultuous political interaction surrounding the resolution of educational issues in this year's legislative budget process. As is not uncommon, present Republican New Mexico Governor, Gary Johnson, had presented himself as the education governor and espoused a campaign platform favoring educational reform (school vouchers and charter schools), tax cuts, longer time served for prisoners, and cost effectiveness in the public sector. Johnson viewed his election to a second term as a mandate for the implementation of school vouchers, expansion of the state's very limited charter school program, and expansion of the state's testing program for students. These aspirations for educational reform, however, put the Governor on a collision course with the Democratic controlled legislature and the anticipated conflict emerged as the 44th Legislative Session designed its General Fund spending plan for FY2000.

While the conflict over education spending has been realized, the compromise suggested as the focus of this roundtable has proven elusive and may in fact remain "as scarce as hen's teeth" for the immediate future. With Johnson's recent veto of the 1999 General Appropriations Act and related public capital outlay measures, public school, as well as all other government agency, operations are threatened in the short run. Presently, it is unclear if current conflicts will become crystallized or if successful compromise will emerge during a Special Legislative Session to begin May 4, 1999. Conflict has focused on school vouchers, charter schools and charter school districts, alternative schools for at-risk students and collective bargaining for public

employees and related personnel issues

School Vouchers

Governor Johnson's intentions regarding the implementation of a school voucher program were identified early on in the legislative process. Sen. W. Davis, R-Albuquerque (SB289) and Rep W.C. Williams, R-Glencoe (HB303) sponsored measures that would have implemented a four-year phase-in of school vouchers. In the first year, vouchers worth about $3,200 would have been available to up to 100,000 of the state's most impoverished children. The estimated program cost of $300 million in the first year would have come out of the public school budget. By the end of the four-year phase-in period, vouchers would have become available to the families of all students in the state to be used at any public or private school of their own choosing.

The program as originally conceived ran afoul of Democratic opposition on the ground's that the vouchers would be unconstitutional. Ultimately the measure was tabled in the Senate Judiciary Committee.

Charter Schools

New Mexico had enabled charter schools in 1993 although the number of charter schools at any one time was limited to only five schools. Only "conversion schools", pre-existing public schools converted to charter status, were allowed. School charters were limited to a maximum of five years with approval of the State Board of Education. The 1998 Legislature (SM 26 and HM18) established a 35-member task force comprised of educators, legislators, representatives of

the five charter schools in operation, and lay people to examine the feasibility of expanding the concept of charter schools.

During the 1999 Legislative session, Sen. M. Boitano (R-Albuquerque) introduced the 1999 Charter Schools Act (SB 192a) that enables 100 more charter schools in New Mexico over the next five years. Fifteen new "start-up" charter schools and five schools converted from pre-existing public schools may be established each year. Charter schools can be formed by as few as two parents or by other groups including businesses with approval of local school boards rather than the State Board of Education. The charter schools may focus their programs on particular discipline or curricular emphases or offer programs specialized to meet the needs of students with particular educational needs.

The Charter School District Act (HB 458a) sponsored by Rep. J. Vanderstar Russell (R-Rio Rancho) enables three charter school pilot districts that will operate on a trial basis until June 30, 2005. The charter school districts must be converted from existing public school districts, approved by a majority of district voters, a super-majority of 65 percent of district employees and the State Board of Education. Each charter school district may be approved for a five-year period. The approval process of the school district charter operates in a manner kin to a "super-waiver" for a variety of State Board of Education regulations. While charter school districts would have to meet benchmarks and standards set by the state, curriculum and programs will be controlled by local officials. Waivers previously were only available to individual schools and processing often became cumbersome and time to approval became extended depending on other demands of the State Board of Education agendas.

Governor Johnson accepted both the charter school and charter school district measures. The Governor commented "I"" am pleased to sign these bills, which will allow some students in New Mexico to go to public schools that are freed from educational bureaucracy and free to be more innovative and focus on results" (Coleman, M. 4/9/99).

However, the Governor vetoed the Student Alternative Act (SB 173a) sponsored by Sen. R. Romero, D-Albuquerque, and a former APS administrator. This measure was designed to help about 700 students at risk of dropping out of public schools and would have allowed businesses and others to use public money to set up alternative schools of between 100 to 200 students. The measure was viewed by some legislators as a compromise to voucher proposals and seemed for a time to enjoy bipartisan support. Former Democratic Governors Anaya and Apodaca, as well as former Republican Governors Cargo and Carruthers testified in favor of the plan along with the Johnson's legislative liaison. The Governor justified his veto of the measure because the program would have involved too few students to encourage educational entrepreneurs and because the measure was to have been funded from the state general fund rather than from the public school budget.

Collective Bargaining and Related Personnel Issues

In a manner similar to his approach to the issue of school vouchers, Governor Johnson was clear about his conservative posture on collective bargaining for public employees and related personnel issues. The Governor had been vocal in his opposition to the extension of the collective bargaining legislation due to expire on 7/1/99. In addition, Johnson favored a repeal of the state's prevailing wage law that required contractors on public works projects, including school

construction, to pay union-scale wages to their workers. Johnson also vetoed a bill to raise the state's minimum wage to $5.15.

Throughout the Legislative Session, Democrats used the extension of the collective bargaining provisions as a means to obstruct the Governor's educational reforms. By amendment, the extension of collective bargaining for public employees was wed to educational reform measures sought by Republicans. Sen. C. Cisneros, D-Questas, amended the charter school bill supported by the Governor to include continuation of collective bargaining for public employees in an attempt to create political leverage on Johnson and other Republicans.

Collective bargaining was also amended in the same session to a bill (SB 341a) that extends the repeal clause for 19 state regulatory boards and commissions. These boards include the state's Public Employee Labor Relations Board, Human Rights Commission, the Racing Commission, the Athletic Commission, and boards regulating counselors massage therapists, acupuncturists, architects, engineers, and accountants. The Legislative Finance Committee regularly reviews these boards and recently found that all 19 boards worked in the interests of the state. Under the state's sunset provisions, these boards and commissions are scheduled to sunset July 1, 1999 and were proposed to be extended for another seven year's with the passage of SB 341a.

The Democratic moves prompted Senate Republicans to stage a walkout during the session with Senate Minority Leader L.S. Vernon , R-Albuquerque, stating "What we saw last night was a complete sacrifice of New Mexico's children and the issue of education to organized labor. They'll sacrifice any and all legislation to their goal of serving these union bosses and

getting collective bargaining re-established." (Roberts, C. 3/13/99)

While the collective bargaining extension amended to the Charter Schools Act was removed in time to allow passage of the measure, the amendment to SB 341a was retained resulting in a veto by the Governor.

Consequences of Life with Governor No

During his first term in office, Governor Johnson came to be known as Governor No – a moniker that he appeared to assume with some pride. Governor No vetoed nearly 400 bills his first term, nearly 1/3 of all measures forwarded by the Legislature for his approval, an action that was the cause for dissatisfaction among Democrats as well as some Republicans. However, having recently stated publicly, "Yea, though I have walked through the valley of the legislative session, I fear not because my veto pen is with me. And it is turbo-charged." (Oswald, M. 3/24/99), it appears Governor Johnson is willing to continue to be known as Governor No. Over 150 measures have fallen to his veto authority.

The push and pull of partisan politics aside, the recent Legislative Session resulted in preparation of three budget proposals without avoiding the Governor's "turbo-charged" veto pen. As a result a special session, scheduled for May 4, 1999, has been called with varying prognoses for its outcome. The Governor wants lawmakers to have a wide-ranging debate on his education initiatives, particularly the controversial school voucher program that he feels was largely ignored during the regular 60-day session.

The Governor is expected to introduce a scaled down version of a school voucher program that will include fewer students and probably will focus on an urban area like

Albuquerque, Santa Fe, or Las Cruces. The Governor hopes to encourage a school voucher program that would include several thousand students; a number he considers adequate to encourage educational entrepreneurs to step forward and open private schools where none currently exist.

The Governor and his staff hope to resolve more general budgetary matters with Democratic legislative leaders prior to the special session. Johnson favors a special floor session in May with experts on school vouchers from around the country debating school vouchers including their constitutionality. However, Democrats continue to resist school vouchers suggesting that, if they're unconstitutional for 100,000 students, vouchers are unconstitutional for even one student.

As for the open dialogue Johnson favors during the May session, House Speaker R. Sanchez (D-Albuquerque) has stated "That is not how I am planning to spend the Month of May. It's just foolish. It doesn't make any sense to keep 112 legislators in session for a month so he (Johnson) can bring in out-of-state experts to tell us how to run our schools in New Mexico. " (Fecteau, L. 4/14/99) Sanchez estimates that by concentrating on budget issues only, the May special session could be concluded in a matter of days.

Senate Majority Leader Tim Jennings (D-Roswell) suggests "The longer you wade into May, the more you screw up public schools. They have to order textbooks and hire teachers, and without a budget in place, they can't do that." (Fecteau, L. 4/14/99) Democrats favor an interim task force to examine education issues, including school vouchers. A proposal Johnson considers "a black hole". Even Republican leaders suggest a lengthy special session would waste taxpayer

money if the parties remain so far removed from consensus. Republicans from rural areas find little support for vouchers among their constituencies and there is not unanimity in terms of a voucher program among the Senate Republican caucus.

Speculation abounds in this uncertain environment. Government shutdown, curtailing public school summer programs, loss of qualified teachers, etc. are all hypothesized to be possible outcomes of the present situation. It is more likely that some form of compromise will be reached before either Republicans or Democrats decide to "...shut down the world here." However, this is not to say getting to a compromise will be an amenable process – "The question is how long do you want to play hard ball?" (Rep. T. Hobbs, R-Albuquerque). (Oswald, M. 3/23/99). Hopefully, the answer for New Mexico will be "not too much longer."

Postscript

A special session was held in May, 1999 to further consider school voucher proposals. Although ten legislative proposals were submitted for consideration during the special session, seven of these failed to survive the legislative committee process. Two proposals, one in the House and one in the Senate, achieved sufficient support to pass, but both were vetoed by the Governor. The third proposal, supportive of the Governor's bold plan for school vouchers, was defeated in the House (20-50). This indicated that bi-partisan support for school vouchers had not been achieved and that some Republicans also remained in opposition.

Most recently, Governor Johnson has been a speaker for The Heritage Foundation (10/4/99) where he presented recent experience in the school voucher debate and his continued commitment to competition as a means to effective public school reform.

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